

Message Text

CONFIDENTIAL

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ACTION ARA-14

INFO OCT-01 ISO-00 SAB-02 L-03 CIAE-00 INR-07 NSAE-00

PM-05 NSC-05 SP-02 SS-15 DODE-00 OMB-01 SSO-00

NSCE-00 INRE-00 /055 W

-----126650 121710Z /50

O R 121616Z AUG 77

FM AMEMBASSY PANAMA

TO SECSTATE WASHDC IMMEDIATE 3144

INFO PANCANAL

USCINCSO

C O N F I D E N T I A L PANAMA 5757

FOR S/AB, L, ARA/PAN FROM CHESTER AND KOZAK

E. O. 11652: GDS

TAGS: PBOR PN

SUBJ: TREATY NEGOTIATIONS: TREATY DRAFTS

1. FIRST DRAFTING SESSION BEGAN AT 1500 AUG 11 AND LASTED APPROXIMATELY THREE HOURS. PANAMA IS BEING REPRESENTED BY ROYO, AHUMADA, LOPEZ-GUEVARA, DE LA ROSA, AND MORGAN (PANAMANIAN AMBASSADOR TO VATICAN AND ENGLISH LANGUAGE LEGAL EXPERT). WE WILL MEET AGAIN AT 1000 TODAY, AND WILL WORK STRAIGHT THROUGH WEEKEND. TENTATIVELY AGREED DRAFT ARTICLES WILL BE TRANSMITTED TO DEPT BY SEPTTEL IN BOTH ENGLISH AND SPANISH. REQUEST L/S REVIEW FOR CONFORMITY AS WE PROGRESS.

2. WITH REGARD TO PREAMBLE AND ARTICLE I OF PANAMANIAN DRAFT, TO AVOID LIKELIHOOD OF FRUITLESS DEBATE, WE ADVISED PANAMANIAN TEAM THAT THESE WERE PRIMARILY OF POLITICAL IMPORTANCE AND THAT AMBASSADORS WOULD BE PROVIDING SOME IDEAS ON HOW TO FIND APPROPRIATE BALANCE BETWEEN POLITICAL NEEDS OF BOTH COUNTRIES. REQUEST YOU PREPARE A DRAFT PREAMBLE FOR US TO PRESENT TO PANAMANIAN ON CONFIDENTIAL

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MONDAY. WE WOULD HOPE TO ELIMINATE PANAMA'S ARTICLE I ENTIRELY, AND PREAMBLE SHOULD THEREFORE BE DESIGNED TO SUBSTITUTE FOR IT.

3. WITH REGARD TO ARTICLES II AND III OF PANAMANIAN DRAFT (ART. I U.S. DRAFT) WE REACHED AGREEMENT ON A FORMULA WHEREBY TREATY WOULD PROVIDE FOR ABROGATION

OF ALL PRIOR TREATIES AND AGREEMENTS CONCERNING
THE CANAL (TEXT FOLLOWS SEPTTEL). AGREED MINUTE WOULD
CONTAIN LIST OF ALL ABROGATED AGREEMENTS PLUS
CATCHALL STATING THAT ALL OTHERS NOT REPEAT NOT CON-
CERNING THE CANAL REMAIN IN FORCE. WE REALIZE THIS
FORMULA IS TERRIBLY CUMBERSOME, BUT IT APPEARS TO BE
THE BEST WE CAN ACHIEVE GIVEN PANAMA'S FEAR THAT THEY
WILL INADVERTENTLY FAIL TO ABROGATE SOMETHING. REQUEST
YOU PREPARE PROPOSED LISTS FOR INCORPORATION IN
AGREED MINUTE ASAP. (LOPEZ-GUEVARA HAS INDICATED THAT
IN 1967? US PROVIDED PANAMA WITH A LIST OF 93
AGREEMENTS THEN IN FORCE. ALTHOUGH WE ARE NOT AWARE
OF SUCH A LIST AND DOUBT IT IS IN L/ARA FILES, HOPEFULLY
L/T OR RSR CAN LOCATE FOR USE AS A STARTING POINT.)

4. WE HOPE TO DEFER ADDRESSING APPLICABLE LAWS ARTICLE
(ART. X PANAMA DRAFT; ART. VI US DRAFT) UNTIL SATURDAY
MORNING. WOULD APPRECIATE COMMENTS ON PARAGRAPHS CON-
CERNING PRIVATE ENTERPRISES WORKED OUT BY CHIEF NEGOTIATORS.
JORDEN

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NNN

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